

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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|----------------------------|---|----------------|
| GERALD E. GROFF, | : | |
| Plaintiff, | : | |
| | : | No. 19-CV-1879 |
| v. | : | |
| | : | |
| MEGAN J. BRENNAN, | : | |
| POSTMASTER GENERAL, UNITED | : | |
| STATES POSTAL SERVICE, | : | |
| Defendant, | : | |
| | : | |

PLAINTIFF GERALD E. GROFF'S
MOTION FOR SANCTIONS

NOW COMES Plaintiff, Gerald E. Groff, by and through undersigned counsel, who hereby moves for sanctions under Fed. R. Civ. P. 37(d) and under the Court's inherent power under Article III of the U.S. Constitution on the grounds fully stated in the accompanying Brief in Support and as supported by the Joint-Stipulation of Undisputed Facts [ECF No. 37-3] and in the Plaintiff's Motion Appendix [ECF No. 37-4] filed on February 14, 2019, which are all incorporated by reference. This Motion further incorporates by reference Exhibits A through D, attached hereto, as well as the Brief in Support of Plaintiff's Motion for Partial Summary Judgment [ECF No. 37-1].

WHEREFORE, the Court should grant this Motion and enter an order, (a) sanctioning Defendant under Fed. R. Civ. P. 37(d) for failing to appear at the Rule 30(b)(6) deposition, by striking out Defendant's Tenth Affirmative Defense of undue hardship or, alternatively, prohibiting any further evidence on undue hardship and deeming as conclusive the corporate representative's testimony that there is no evidence of any negative impact on Defendant and its operations arising from Plaintiff's not working on Sunday; (b) sanctioning Defendant for its bad

faith compliance with the Court's policies and procedures, by deeming the Third Draft of the Joint-Stipulation of Undisputed Facts, in Exhibit A, as undisputed for purposes of summary judgment, in addition to the Joint-Stipulation that was filed on February 14, 2020: and (c) such other relief as the Court deems necessary, just, or appropriate.

Respectfully submitted,

CHURCH STATE COUNCIL

Dated: February 18, 2020

By: /s/ Alan J. Reinach
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